

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Gerald M. Evans, #231967	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 6:09-640-TLW-WMC
	)	
South Carolina Department of Corrections,	)	
Jon Ozmint, Russell Campbell,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

The plaintiff, Gerald M. Evans (“plaintiff”), proceeding *pro se* originally filed this action in the Court of Common Pleas for Richland County, South Carolina. The defendants removed this case to federal court on March 12, 2009. (Doc. #1). The case was referred to Magistrate Judge William M. Catoe pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

On May 13, 2009, the plaintiff filed a motion to dismiss this case without prejudice so that he could litigate his claims in state court. (Doc. #20). The defendants filed a response in opposition to the plaintiff’s motion on May 18, 2009. (Doc. #22). The plaintiff filed a reply on June 3, 2009. (Doc. #29).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #34). On June 15, 2009, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that this action be remanded to state court. (Doc. #34). The parties filed no objections to the report. Objections were due on July 2, 2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #34). For the reasons articulated by the Magistrate Judge, this action is **REMANDED** to state court.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

October 2, 2009  
Florence, South Carolina